

ORDER SHEET

WPO/114/2020

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SAMIR RAHMAN

VS

KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE :

The Hon'ble JUSTICE AMRITA SINHA

Date : 9th October, 2020.

Appearance :

Mr.S. E. Huda, Adv.

..for Petitioner.

Mr. Ranojit Chatterjee, Adv.

Ms. Tanushee Dasgupta, Adv.

..for KMC

Mr. D. Mukherjee, Adv.

Mrs. S. Chatterjee, Adv.

...for State.

The Court :- Affidavit of service filed in Court today be taken on record.

None appears on behalf of respondent no.6 in spite of service.

The petitioner alleges that the respondent no.6 is carrying on illegal and unauthorised construction at the premises No.6, Kali Shome Street, Ward No.37, Police Station Amherst Street, Kolkata-700009.

The petitioner raised an objection before the Kolkata Municipal Corporation by letter dated 22nd January, 2020.

The petitioner alleges that the Kolkata Municipal Corporation has not taken any steps in response to the complaint lodged by him.

Learned advocate representing the Kolkata Municipal Corporation submits, on instruction, that a building plan dated 11th June, 2015 for a five storied

residential building of height 15.50 Mtr. was sanctioned. On receipt of a written complaint the Department inspected the site and found that a five storied structure is standing at the captioned site. Upon tallying with the said sanction plan, it was found that the person responsible for making construction has projected the floors with RCC roof slabs from ground floor to 4th floor at all sides covering the mandatory open spaces.

The Department served notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 on 11th September, 2019 with intimation to Amherst Street Police Station on 12th September, 2019. First Information Report under Section 401A of the Kolkata Municipal Corporation Act, 1980 was also lodged on 15th November, 2019. Round the clock police posting was requisitioned.

The Corporation is taking necessary steps under Section 400 of the Kolkata Municipal Corporation Act, 1980.

The learned advocate representing the State respondent produces a report from the Additional Officer-in-Charge of Amherst Street Police Station wherein it has been indicated that construction work is being carried by the respondent no.6 at premises no. 21, Patwar Bagan Lane.

It appears from the report of the Kolkata Municipal Corporation that the premises no. 21, Patwar Bagan Lane was earlier known as premises No.6, Kali Shome Stgreet, Ward No.37, Police Station Amherst Street, Kolkata-700009.

As it appears form the report of the Kolkata Municipal Corporation that steps have been initiated for illegal and unauthorised construction in the premises in question and further steps have been taken under Section 400 of the

Kolkata Municipal Corporation Act, 1980 way back on 15th February, 2020 the Kolkata Municipal Corporation is directed to take prompt and necessary steps to ensure that the proceedings under Section 400 of the Kolkata Municipal Corporation Act, 1980 reaches its logical conclusion at the earliest but positively within 9th December, 2020.

The Kolkata Municipal Corporation as well as the Officer-in-Charge of the Amherst Street Police Station shall ensure that no further construction is being made in the said premises in violation of the sanctioned plan by any person whatsoever.

Instructions given by the Kolkata Municipal Corporation and the Additional Officer-in-Charge of the Amherst Street Police Station to their respective learned advocates are retained with the records.

Writ petition being WPO no. 114 of 2020 is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties on compliance of usual legal formalities.

(AMRITA SINHA, J.)